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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,650	02/04/2004	Ying-Chien Lin	33038-407400	5816
27717 7590 04/11/2008 SEYFARTH SHAW LLP 131 S. DEARBORN ST., SUITE 2400 CHICAGO, IL 60603-5803				
EXAMINER				
YUN, EUGENE				
ART UNIT		PAPER NUMBER		
2618				
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04/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,650

Applicant(s)

LIN ET AL.

Examiner

EUGENE YUN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olkkonen (US 6,842,460) in view of He et. al. (US 6,671,259).

Referring to Claim 1, Olkkonen teaches a method for balancing the load of a wireless local area network, the wireless local area network comprising a plurality of access points forming a service set (see col. 33, lines 8-21), the method comprising the steps of:

 sending a probe-request frame for association with said service set from a station to said plurality of access points (see col. 33, lines 39-52).

Olkkonen does not teach:

 selecting an access point with the lowest load;

 sending a probe-response frame from the access point with the lowest load to the station; and

 constructing an association between the station and the access point with the lowest load for balancing the load of said plurality of access points.

He teaches:

selecting an access point with the lowest load (see col. 4, lines 42-46 where the access point is the server);

sending a probe-response frame from the access point with the lowest load to the station (see col. 4, lines 46-49 where the probe response frame is the client request); and

constructing an association between the station and the access point with the lowest load for balancing the load of said plurality of access points (see col. 2, lines 27-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of He to said device of Olkkonen in order to better prevent an access point from being overwhelmed by too many probe requests.

Claim 9 has similar limitations as claim 1.

Referring to Claim 2, He also teaches selecting an access point as a master access point and assigning the other access points as slave access points (see col. 7, lines 49-57);

sending a load collection packet from the master access point to the slave access points (see col. 7, lines 57-60);

returning load index packets with load information from the slave access points (see col. 7, lines 60-66); and

performing a load comparison procedure to select an access point with the lowest load according to the load index packets (see col. 7, line 66 to col. 8, line 6).

Referring to Claim 3, He also teaches collecting the load index packets sent from the other access points by each access point (see col. 8, lines 7-13);

comparing its own load by each access point with the loads of the other access points (see col. 8, lines 17-23); and

turning on a probe-response function of the access point with the lowest load, and turning off the probe-response function of the other access points (see col. 8, lines 23-27).

Referring to Claim 4, He also teaches the master access point as the access point booted first (see col. 7, lines 60-66).

Referring to Claim 5, He also teaches a group reconstructing procedure for selecting the access point with the lowest load as the master access point (see col. 4, lines 42-49).

Referring to Claim 6, He also teaches sending group reconstruction packets with load information from said plurality of access points (see col. 8, lines 7-13);

comparing its own load by each access point with the loads of the other access points (see col. 8, lines 17-23); and

setting the access point with the lowest load as the master access point (see col. 8, lines 23-27).

Referring to Claim 7, He also teaches the plurality of access points having the same basic service set identifier (see col. 4, lines 50-58).

Referring to Claim 8, He also teaches the access point with the lowest load replies a probe-response frame to the station and the other access points do not reply (see col. 4, lines 42-49).

Response to Arguments

3. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUGENE YUN whose telephone number is (571)272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eugene Yun
Primary Examiner
Art Unit 2618

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